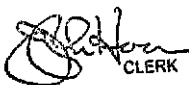


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 11 2005

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJEMEN MOON;
STEVEN CRAIG ALEXANDER; and
KRISTEN LYNNE SCHULZ;

Defendants.

CR 05-40101

ORDER

Counsel for the Government has filed a Motion for Continuance, Doc. 140, requesting an extension of the dates for the motion hearing, plea deadline and trial date. Counsel for the Defendants have no objection. After consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendants in a speedy trial. For all of those reasons as well as those set forth in the Motion to Continue,

IT IS ORDERED:

1. That the Government's Motion for Continuance, Doc. 140, is granted.
2. That a hearing on motions as to all Defendants be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Wednesday, November 9, 2005, at 9:30 A.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.

3. That November 14, 2005, is hereby set as the deadline for submission to the Court of any proposed plea agreement by any Defendant.
4. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
5. That the jury trial herein shall commence in Sioux Falls, South Dakota, on Tuesday, December 13, 2005, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
6. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendants must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 11th day of October, 2005.

BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY